



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.      | CONFIRMATION NO. |
|-----------------|-------------|----------------------|--------------------------|------------------|
| 10/010,992      | 11/13/2001  | Mark R. Gambino      | POU920010131US1/I32-0010 | 9427             |

7590 06/09/2005

Philmore H. Colburn II  
CANTOR COLBURN LLP  
55 Griffin Road South  
Bloomfield, CT 06002

EXAMINER

TRUONG, LECHI

ART UNIT PAPER NUMBER

2194

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |  |                     |  |
|------------------------------|------------------------|--|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                              | 10/010,992             |  | MARK R. GAMBINO     |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                              | LeChi Truong           |  | 2194                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-12 is/are rejected.
- 7) ☐ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \*   c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

*JHC*

### DETAILED ACTION

1. Claims 1-12 are presented for the examination.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elgamal et al (Us. Patent 5,657,390) in view of ST (Stunel).

4. As to claim 1, Elgamal teaches the invention substantially as claimed including: secure sockets layer (SSL sessions) (col 5, ln 15-16/ ln 32-35/ col 11, ln 52 -55), an application process (col 11, ln 54-56), a daemon process (col 12, ln 14-16, col 13, ln 42-46), an SSLprocess (col 12, ln 56-60), SSL application-programming interface (API) calls for communication (col 6, ln 15-25/ col 11, ln 52-56/ col 12, ln 13-16).

5. Elgamal does not teach wrapper. However, ST teaches the wrapper (SSL encryption wrapper, page 1, ln 3-10).

6. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Elgamal and ST because ST's SSL encryption wrapper

Art Unit: 2194

would improve the system of Elgamal by allowing the security protocol by which e-mail message can be securely delivered to the recipient.

7. Claims 7, 8, 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brendel et al (6,772,333 B1) in view of ST (Stunnel).

8. As to claim 7, Brendel teaches a process receiving a request for a shared SSL session from an application process (col 7, ln 25-30/ col 10, ln 13-18), an SSL session (encrypted session, col 7, ln 25-30, col 10, ln 12-18), at least one process receiving at least one return code, at least one process passing a return code to the application process (col 11, ln 23-26).

9. Brendel does not teach SSL wrapper for the process, the SSL daemon process for receiving request and return code. However, ST teaches SSL wrapper (SSL encryption wrapper, page 1, ln 3, ln 12-22), the SSL daemon process for receiving request and return code (daemons running on your system you can easily setup them to communication with clients over secure SSL channel, page 1, ln 12-22, page 2, sec: wrapper remote server).

10. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Brendel and ST because ST's SSL encryption would improve the security of Brendel's system by securing all the message that are delivered to the recipient.

11. As to claim 8, Brendel teaches the first input parameter indicating whether or not a shared SSL session is requested (col 7, ln 25-30/ col 10, ln 1-9 and ln 14-18).

Art Unit: 2194

**12. As to claim 10,** Brendel teaches sharing secure sockets layer (SSL) sessions across multiple processes (col 7, ln 25-30), a computer to receive a request for an SSL session (col 9, ln 2-5), to determine whether the request is for a shared or unshared SSL session (col 10, ln 2-6/ col 7, ln 25-30), received at least one request for a shared SSL session to call a SSL session (col 9, ln 3-8), to receive a return code from the SSL session (col 1, ln 41-42), pass a return a return code to SSL process (col 11, ln 23-26) and ST teaches the SSL daemon process for receiving and sending return code (daemons running on your system you can easily setup them to communication with clients over secure SSL channel, page 1, ln 12-22, page 2, sec: wrapper remote server).

**15. As to claim 11,** Brendel teaches a first parameter indicating whether or not a shared SSL session is requested (SSL session ID, col 7, ln 25-30, col 8, ln 18-20/ col 10, ln 1-17).

**16. As to claim 12,** Brendel teaches the second input parameter being the data and application process to be secured by an SSL session (the encrypted data, col 1, ln 41-42/ col 11, ln 55-58).

**17. Claims 2-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Elgamal et al (Us. Patent 5,657,390) in view of ST (Stunel), as apply to claim 1 above, and further in view of Brenbel (US, 6772,333 B1).

**18. As to claim 2,** Elganal and ST do not teach determines whether the request is for a shared or unshared SSL session or sharing secure sockets layer (SSL) sessions. However, Brendel teaches determines whether the request is for a shared or unshared SSL session (the same

Art Unit: 2194

encrypted session to the same server based on the secure sockets layer (SSL) session ID, col 7, ln 25-30).

19. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Elgamal, ST and Brendel because Brendel's determination step of whether the request is for shared or unshared SSL session would improve the system of Elganal and ST's systems by allowing the association of the different encrypted sessions and clear-text to connect with the same user.

20. As to claim 3, Brendel teaches a first input parameter (the packets with the SSL session ID from the server, col 8, ln 15-20/ col 9, ln 2-8).

21. As to claim 4, Brendel teaches the second input parameter comprising the data the application process requests secured by an SSL session (the encrypted data, col 1, ln 41-42/ col 11, ln 55-58).

22. As to claim 5, ST teaches the SSL daemon process for receiving and sending return code (daemons running on your system you can easily setup them to communication with clients over secure SSL channel, page 1, ln 12-22, page 2, sec: wrapper remote server).

24. As to claim 6, ST teaches the SSL daemon process (daemons running on your system you can easily setup them to communication with clients over secure SSL channel, page 1, ln 12-22, page 2, sec: wrapper remote server).

***Allowable Subject Matter***

25. Claims 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



**Response to the argument:**

29. Applicant amendment filed on 9/03/04 has been considered but they are not persuasive:

Applicant argued in substance that :

(1) “ Stunnel fail to teach or suggest an application process using SSL API calls to communicate with an SSL wrapper process”.

(2) “ by contrast, the application process is aware of the SSL session and issues SSL API ( not socket APIs). Stunnel fails to disclose SSL-aware application”.

(3) “ Stunnel fails to teach or suggest a shared SSL session”.

30. Examiner respectfully disagreed with Applicant's remarks:

As to the point (1 ), Elgamal teaches a client application calls Winsock/SSL\_library to request a socket connection to a server applicaton. The Winsock/SSL\_library, in turn calls the operating system protocol stack and establishes wth socket connection with the server side (col 12, ln 55-60).

As to the point (2), Elgamal teaches SSL\_API ( SSL\_open, SSL\_write..., col 13, ln 1-5). The term “SSL-aware application” was not in the claim.

As to the point (3), Brendel teaches the same encryted session to the same server( col 7, ln 25-30). The same encryted session is a shared session since the same encyted session is used for the same server.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

Art Unit: 2194

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).



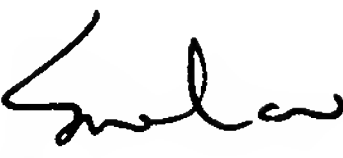
Application/Control Number: 10/010,992

Page 8

Art Unit: 2194

LeChi Truong

May 31, 2005

  
**SUE LAO**  
**PRIMARY EXAMINER**